CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MAY 19, 2009

INVOCATION:
Pastor Paul Berry of Calvary Chapel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Acting Community Development Director Woods, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, Community Programs Manager Coelho-Hudson, and Chief Deputy City Clerk Perez.

GEM AWARD
City Manager Ness presented the quarterly "Going the Extra Mile (GEM)" Award to Rod Rodriguez, Cynthia Torres, Karl Kovarik and Bill Cyr, the Water Resources Division Customer Service Team, for providing customers with a quality blend of leadership, technical proficiency, and empathy during these challenging times in spite of a significantly increased workload created by the recession.

VOLUNTEER OF THE MONTH
Councilmember Zacarías presented a gift to the Recreation and Parks Volunteer of the Month for May 2009, Terry Rianda, for his dedication and commitment in recruiting younger athletes for the Northern Santa Barbara County Special Olympics Juniors' Program and for volunteering at local competitions and fundraising events for Special Olympics.

PROCLAMATION – UNDERAGE DRINKING PREVENTION MONTH
Councilmember Patino read a proclamation declaring the month of May 2009, as "Underage Drinking Prevention Month" in the City of Santa Maria and calling upon all residents, parents, youth, government agencies, public and private institutions, businesses and workplaces, hospitals and schools in Santa Maria Valley to support efforts by Fighting Back Santa Maria Valley Coalition for the prevention of drug and alcohol abuse that will reduce and prevent underage drinking in our community. The proclamation was accepted by Dawnette Smith and a group of teenagers from Fighting Back Santa Maria Valley.

PUBLIC COMMENT
Belen Seara spoke on behalf of a large Hispanic contingency in the community. The Santa Maria Police Department regulates checkpoints based on the California Vehicle Code Section 14602.6 which refers to the impoundment for 30 days of cars driven by unlicensed drivers. Since the overwhelming majority of unlicensed drivers are undocumented immigrants who are ineligible to receive licenses, the policy unfairly targets these immigrants. Other cities have adopted different codes to reduce the number of confiscations. These unlicensed drivers do not endanger the residents of Santa Maria. Santa Maria was one of only two cities in California that goes after unlicensed drivers. The Ninth Circuit Appellate Court ruled that impounding a car simply because the driver lacks a license violated the Fourth Amendment prohibition of

unwarranted searches and seizures. A car is to be towed only if it constituted a safety hazard. The California Supreme Court authorized sobriety checkpoints subject to the strict Ingersoll Guidelines. Although the Santa Maria Police Department cites drunk driving to justify checkpoints, the facts show that the guidelines are ignored and checkpoints are operated to maximize the impoundments of cars driven by undocumented immigrants. She read some of the guidelines. The Police Department has not kept files on the DUI checkpoints. Every driver should be stopped at the checkpoints to avoid racial profiling. Personnel should be instructed to not stop drivers that try to avoid the check point. Signs announcing the checkpoint should be placed sufficiently in advance of the checkpoint so motorists can choose to avoid the checkpoint. People trying to avoid the checkpoints were chased by the police officers. The checkpoints start between 3:00 p.m. and 5:00 p.m., right when people are getting off work. The Police Department provided 24 hour advance publicity to all the local media. However, PUEBLO recommended that affected businesses, neighbors, and organizations also be given advance warning of checkpoints.

Roy Allen, Alzheimer's Association, thanked the City Council for their generosity and for giving them a little bit more money this year.

Victoria Huber, Future Leaders of America, thanked Councilmembers Zacarías and Cordero for supporting their Tobacco-Free Parks campaign. She presented them with Certificates of Appreciation.

Mickey Freeman stated the City recently adopted an ordinance banning flower vendors and asked if there would be an ordinance banning illegal food carts and people selling food out of their cars. She said people needed to obey the laws. She thanked the Police Department.

Gwen Wood talked about PUEBLO's comments at the last meeting regarding the vehicle checkpoints. She said PUEBLO wanted preferential treatment; and if that was not racial profiling, she did not know what was. The City Council could not change State law. If PUEBLO felt the law was unfair, they should go to the Governor to get the law changed.

Arnoldo Vela said he came to Santa Maria because it was a beautiful City; but lately it had become a divided City. The DUI checkpoints were affecting the business community tremendously. He asked the Council to find a middle ground to enforce the laws and help the businesses survive in Santa Maria.

Mark Rademaker spoke about the people's right to bear arms. He said Police Officers were five times more dangerous than people with guns. To save money, the City should close down the Police Department and give all the residents guns to protect themselves.

Richard Dydell spoke about the H2A Ag Workers Program. He said the Federal Government was rewriting sections of the H2A program; and when it was complete, he would present it to the Council. Many cities had these traffic stops. As a 48 year resident of Santa Maria, he did not see any racial profiling going on. People had to have a license to drive. He said he was one of the silent majority who were highly in favor of the traffic stops.

Paula James read a statement from Sally Rodriguez who did not speak very good English. Her statement said she was a legal Hispanic immigrant who supported the Police Chief in the enforcement of the law and the checkpoint stops to help uncover all illegal traffic violators regardless of who they were.

Mary Jacka stated she was in favor of the Emergency Operations Center, Item 3l on the Consent Agenda. It was a big need for the City. She read a letter from Pastor Vaughn Winters of St. John Neumann Church. The letter indicated he was being transferred to Palmdale effective July 1, 2009, and wanted to write about people having their cars impounded for lack of a driver's license at sobriety checkpoints because it largely impacted the poorest of the community and created a severe hardship for them. Taking

away their cars did not do any good for the City and created more strain on social service agencies and churches, and engendered a lack of trust and ill will. Their lack of a driver's license was only one small piece of the vast issue of undocumented immigrants in this country and was beyond the scope of the City to solve. The impound policy at sobriety checkpoints was unjust and harmed the social fabric of the City.

Paula James stated PUEBLO seemed to want some of the laws to be enforced and some not. Illegal immigration was a crime. It was a felony for anyone to transport, shelter, or assist an illegal alien in gaining employment or living in this country. She suggested that PUEBLO tell the illegal aliens that it was not their right to drive without licenses. The main reason this had become such a tremendous issue for Americans was because the illegal aliens harmed Americans every single day. She said she would not stop fighting this fight.

Brett Honig stated the Police Department needed to change their actions in this town. He said he had requested a meeting with the Mayor but had gotten no response. The Police Department was not going on calls on time. They were wasting the taxpayers' money. The buses were wasting taxpayers' money by running on Sunday when they had no one riding them. The buses were dirty. Cigarette butts needed to be cleaned up all over the City.

Ernest Armenta stated if the City was going to support legislation, there should be a Legislative Committee so the Council received input from the public. He talked about there being no representatives in the City for the Chicanos. PUEBLO and MAPA did not represent them. He said when he saw checkpoints, he avoided them. Not because he didn't have a license or insurance, but because he didn't have time. He talked about the City's cash flow problem. He asked what plans the City had in place if the State propositions failed.

David Basket stated he appreciated the Police Department's efforts to keep the City safe from unlicensed drivers. In any other country, if you drove without a driver's license and insurance, you would be serving jail time.

CONSENT CALENDAR

Mayor Lavagnino requested Item 3C – Severe Fiscal Hardship, be pulled for comment.

Mayor Lavagnino stated this item was a resolution finding that a severe fiscal hardship would result for the City if the State of California followed through on its threat to take $2 billion from local governments to help balance the State budget in 2009-10. The Governor claimed that if the propositions did not pass, the State budget would have a $21 billion deficit. The Governor said he would have to take about $2 billion from local government. That would mean more than $1.5 million from the City of Santa Maria. The City already had a $5.6 million revenue gap for next fiscal year resulting from the economic downturn. It was not fair that the State could come to cities and counties and take funds that these agencies had put away for a rainy day. The City would try to close the gap with a combination of cuts, concessions and one-time reserves. If the State took another $1.5 million, it would assuredly lead to employee layoffs. The residents of the City would suffer because of the inability of the State to balance its own budget.

Councilmember Patino asked how the State could just take money from cities and counties and why the City would have to just write the Governor a check.

City Manager Ness explained that under Proposition 1A which was passed by the voters in 2004, the State could borrow money from cities and counties during an extreme financial emergency. They would have to pay it back in three years. The State would just keep sales tax monies, property tax revenue, and vehicle license fees that were owed to the City.

Councilmember Zacarías announced that she would be attending a budget briefing in Sacramento put on by the Childcare Associations of California regarding the impacts on childcare services and support for families to be able to work.

Consent Calendar Items A through K were approved on motion by Councilmember Orach, seconded by Councilmember Zacarias, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of May 5, 2009, were approved as submitted.

C. SEVERE FINANCIAL HARDSHIP
Resolution No. 2009-65 was adopted finding a severe fiscal hardship will exist for the City of Santa Maria if the State of California takes additional City property tax funds and additional unfunded mandates are adopted by the State to balance the State budget.

Resolution No. 2009-65 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA.

D. WARRANTS
Warrant Nos. 150484 to 150799 totaling $1,505,413.26 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 144346, 145799, 146019, 146020, and 146139 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. EMPLOYEE PICKUP PRE-TAX PAYROLL DEDUCTION
Resolution No. 2009-66 was adopted, which will replace Resolution No. 96-127, authorizing an Employer Pickup Pre-Tax Payroll Deduction Plan for service credit purchases through the California Public Employees Retirement System.

Resolution No. 2009-66 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AN EMPLOYER PICKUP PRE-TAX PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES.

G. ORDINANCE NO. 2009-11
Council conducted the second reading by title only of Ordinance No. 2009-11 changing the zoning for NKT Commercial at 1201 East Main Street from FS to PD/HC and adopted the ordinance.

Ordinance No. 2009-11 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING PROPERTY FOR THE NKT COMMERCIAL PROJECT LOCATED AT 1201 EAST MAIN STREET, ASSESSOR'S PARCEL NUMBERS 128-120-004, 0.56 ACRES (FILE NO. Z-2009-001).

H. ASSISTANCE TO FIREFIGHTERS GRANT
Resolution No. 2009-67 was adopted approving the Fire Department's submission of a series of Department of Homeland Security Assistance to Firefighters grant applications

for $900,000 (vehicle acquisitions), $60,500 (training), and $30,000 (thermal imaging cameras); and authorizing the Fire Chief to sign documents associated with this funding on behalf of the City.

Resolution No. 2009-67 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBMISSION OF AN APPLICATION FOR ASSISTANCE TO FIREFIGHTER GRANT FUNDS.

I. CALL FOR BIDS

Council gave approval to call for bids on the plans and specifications for Fire Station No. 1 Emergency Operation Center, Bid No. 2009/15.

J. CALL FOR BIDS

Council gave approval to call for bids on the plans and specifications for North Railroad Avenue Storm Drain, Bid No. 2009/13.

K. AGREEMENT WITH TETRA TECH, INC.

Resolution No. 2009-68 was adopted approving an agreement with Tetra Tech, Inc., to perform a production of hydromodification control plan and other related services for the Storm Water Management Program.

Resolution No. 2009-68 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF UTILITIES TO ENTER INTO AN AGREEMENT FOR PRODUCTION OF HYDROMODIFICATION CONTROL PLAN AND RELATED SERVICES FOR THE CITY OF SANTA MARIA STORM WATER MANAGEMENT PROGRAM.

APPROVAL OF FISCAL YEAR 2009-10 FINAL ALLOCATIONS & ACTIVITIES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAMS.

Community Programs Manager Coelho-Hudson gave the staff report. The City Council will consider adoption of resolutions approving the final allocations and activities for use of Federal funds under the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Program for Fiscal Year 2009-10. The public hearing for this item was conducted on April 7, 2009, closed to further public testimony, and continued to the City Council meeting of May 5, 2009. At that meeting, the item was again continued to May 19, 2009, as final allocations had not yet been issued by HUD. On May 1, 2009, HUD issued the final grant amounts for both the CDBG and HOME programs. Under the CDBG program, the City will receive $1,272,132 which is $15,644 more than estimated. Of that amount, $254,426 (20 percent) will be available for General Administration, $190,819 (15 percent) will be available for Public Services, and $826,887 will be available for Capital Projects. Under the HOME Program, the City will receive $408,145 which is $43,458 more than anticipated. On May 11, 2009, the Block Grants Advisory Committee reconsidered their recommendation and developed a revised recommendation. Concerning CDBG Public Services, the Advisory Committee directed staff to increase the allocation amounts by prorating the percentage of increase of 1.266% or $2,387 and increasing each of the recommended allocations by that amount. Because Good Samaritan Shelter was recommended for the total amount requested, their 1.266% increase or $253 was divided among the other agencies. Under the CDBG Capital funding, since all three applications were already recommended for full funding, the additional $10,169 was added to the City of Santa Maria Capital Project allocation, increasing the allocation to $364,511. The additional $43,458 in HOME funds was added to Good Samaritan Shelter's Casa de Familia Project as that was the only project recommended for funding. Staff submitted the Annual Action Plan to HUD based on the estimated grant amounts prior to the statutory deadline of May 15, 2009, with the understanding that the plan would be revised at a later time to reflect the final grant amounts.

Councilmember Zacarías stated she understood the Committee wanted to be fair and asked if consideration had been given to those organizations that had not been funded at the same level as last year.

Community Programs Manager Coelho-Hudson stated the consensus of the Committee was to prorate the increase across the board to be fair to all agencies.

Mayor Lavagnino thanked the Block Grants Advisory Committee for their hard work.

Resolution No. 2009-69 was adopted approving the following public service allocations under the CDBG Program for Fiscal Year 2009-10:

Alliance for Pharmaceutical Access	$ 6,089
Alzheimer's Association	7,101
Catholic Charities	20,266
Community Action Commission/Senior Nutrition	8,115
Community Partners in Caring/Faith in Action Volunteer	10,140
Court Appointed Special Advocates (CASA)	2,545
Domestic Violence Solutions/Emergency Shelter	7,608
Foodbank of Santa Barbara County/ Warehouse Program	9,127
Good Samaritan Shelter, Inc. / Emergency Shelter	20,000
Independent Living Resource Center/Deaf Outreach	5,077
Legal Aid Foundation of Santa Barbara County	16,772
North County Rape Crisis & Child Protection Center	7,608
Pacific Pride Foundation / Necessities of Life Food Pantry	9,127
People's Self-Help Housing Corporation / YEEP	4,064
Santa Maria Independent Living Environment (SMILE)	12,165
Santa Maria Organization of Transportation Helpers/Senior	5,077
Santa Maria Valley FISH Meals On Wheels	11,646
Santa Maria Valley Youth and Family Center	5,077
The Salvation Army	15,217
Transitions Mental Health Association	8,115

on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-69 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PUBLIC SERVICE ACTIVITIES AND ALLOCATIONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2009-10.

Resolution No. 2009-70 was adopted approving the following Capital Development allocations under the CDBG Program for fiscal year 2009-10:

City of Santa Maria City Attorney - ADA Improvements	$250,000
SMILE/OPTIONS - Renovation of Group Homes	92,376
VTC Enterprises - Quality Life Services Building	120,000
City of Santa Maria Capital Project	364,511
Residential Rehabilitation Loan Program (Program Income)	30,000
General Administration	254,426

on motion by Councilmember Cordero, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-70 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE CAPITAL DEVELOPMENT ACTIVITIES AND ALLOCATIONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2009-10.

Resolution No. 2009-71 was adopted approving the following allocation for the HOME Investment Partnerships Program for fiscal year 2009-10:

Good Samaritan Shelter, Inc. – Casa de Familia $408,145

on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-71 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACTIVITIES AND ALLOCATIONS UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FISCAL YEAR 2009-10.

Resolution No. 2009-72 was adopted approving the final allocations and activities for CDBG and HOME programs on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-72 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE FINAL ALLOCATIONS AND ACTIVITIES FOR USE OF FEDERAL FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FOR FISCAL YEAR 2009-10 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA FOR APPLICATION OF THE FUNDS.

Mayor Lavagnino stated public safety was the most important thing the Council could give to the City of Santa Maria. He proposed that Fire Station No. 3 be replaced with a new Fire Station on Preisker Lane. This was in consultation with City Manager Ness and Fire Chief Ortiz. There was a balance of $364,511 from CDBG Capital Development funds, $341,281 in 2009-10 CDBG-R funds from the Stimulus Package, $282,820 from 2008-09 reallocated CDBG Capital Development Project funds, $450,000 in Growth Mitigation Funds designated for the Northwest Fire Station, and $1.5 million reallocated General Fund monies from the Police Department Impound Yard, giving close to $3 million which was the cost to build the new Fire Station. That would build a Fire Station to protect the northwest part of town and only use a small amount of General Fund revenue.

Councilmember Zacarías asked that the matter be placed on the June 2nd meeting to provide the Council and the public with more information.

City Manager Ness suggested it be brought back as part of the mid-cycle budget review on June 16th as a Council policy issue.

Councilmember Orach stated a lot of communities use the Community Development Block Grant funds for City capital projects and do not fund public service organizations at all.

Councilmember Cordero stated this was not a new proposal and had been in the works for quite a while.

QUARTERLY FINANCIAL REPORT

Director of Administrative Service Snodgrass gave the staff report. With 75 percent of the year complete, revenues are at 60.1 percent of projections while expenditures are at 70.4 percent of appropriations. Total revenue and transfers are $33.4 million less than 75 percent and are approximately $945,500 less than the prior year. Though a substantial number of revenues received in July and August will be accrued back to June, total year-end revenues are not expected to equal the budget primarily because of the decline in sales and property taxes during the first three quarters. However, the Citywide cost containment measures implemented in January are significantly reducing current costs and should result in revenues slightly exceeding expenses at year-end. Current projections indicate that the General Fund will have $860,217 in excess revenues that may be used for next year's shortfall. In the Water/Wastewater Fund, expenditures exceeded revenues by $11.1 million, primarily as a result of payments for State Water and capital projects. In the Solid Waste Fund, refuse expenses exceeded revenues by $2.1 million as a result of capital outlay/projects. While the financial challenges facing the City are of historic proportion, the financial challenges do not include potential raids on municipal revenues by the State of California. On a bright note, the Federal stimulus money is expected to provide more than $20 million for countywide transportation projects and $40 million for the Santa Maria River Levee repair.

Ernest Armenta stated the Recreation and Parks employees, the Utilities employees, and public safety employees needed to think of pay cuts or pink slips. Pay increases needed to be off the table completely. The people on the north side were totally opposed to a new Fire Station there.

City Manager Ness stated last year when the budget was adopted, the City planned to build two Fire Stations on the north side; but the City does not have the money right now to build two and staff an additional one.

Council received and filed the Quarterly Financial Report.

MEASURE D ONE-YEAR LOCAL PROGRAM OF PROJECTS

Director of Public Works/City Engineer Whitehead gave the staff report. In November 1989, the voters approved the Santa Barbara Improvement Program Ordinance and Expenditure Plan known as Measure D. Measure D will expire in 2010. In compliance with the ordinance, each year the City of Santa Maria holds a public hearing, adopts a Local Program of Projects for Measure D expenditures, and submits it to the Santa Barbara County Association of Governments (SBCAG). In the past, public hearings have been held at the City Council meetings. This year, the public hearing was held at an evening workshop on April 27, 2009, to solicit public input. No one from the community attended the workshop. Staff prepared the Local Program of Projects to cover the remaining year of the program. The list of proposed projects complies with the requirements of the Measure D ordinance.

It is important to note that a portion of Santa Maria's local Measure D funding is dedicated to regional paratransit. These transit funds are estimated at $43,612 in the FY 09/10 period and are not shown on the Local Program of Projects because the funds are administered directly by SBCAG. The monies provide assistance to the frail and elderly to use transit in Santa Maria.

Councilmember Zacarías asked if the $500,000 in reserves had been included in other Program of Projects.

Director Whitehead explained that staff anticipated that there would be a period of time between the end of sales tax generation under Measure D and the sales tax generation under Measure A where the City might not receive any disbursements from SBCAG.

Staff wanted to put some funds into a reserve account just in case. SBCAG might be able to do something to make that unnecessary.

Councilmember Zacarías asked if it would be used as a cash flow for the maintenance projects that needed to happen before the City began receiving Measure A funds. She asked if there were projects that were not done in order to create the reserve.

Director Whitehead explained there was always more work that could be done. Staff showed funding levels that were not as high as they would like them to be. That reserve money would be spent on street maintenance. It was just a question of when it would happen.

Councilmember Zacarías asked if there was any provision that the reserve would only be for one year or any practice for managing the funds.

City Manager Ness stated the reserve funds would be spent. They were earmarked specifically for street maintenance and could not be used for any other purpose. Once the determination was made by SBCAG regarding the interruption of cash flow from the sales tax, staff would be in a position to decide where the money needed to be spent. It would be spent on the items that appear in the Program of Projects.

Director Whitehead stated the Program of Projects was not a budget document. The reserve funds were included to be more transparent and provide a complete level of detail.

Councilmember Zacarías stated she appreciated that this was the best use of the funds to ensure there was no lapse in service. She said there were two issues that she recalled being brought up under public comment. One was the lack of street lighting in certain neighborhoods. She asked what the City was doing to determine if there were certain areas that needed additional street lights. The second was pedestrian crossing enhancements. The City recognized the issue of hit-and-run drivers and its low ranking in the State. She felt the City was not doing anything to decrease pedestrian fatalities and was excited to see pedestrian crossing enhancements in the Program of Projects.

Resolution No. 2009-73 was adopted approving the Measure D One-Year Local Program of Projects on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-73 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MEASURE D ONE-YEAR PROGRAM OF PROJECTS FOR FY 2009-10.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the June 2, 2009, City Council meeting including public hearings for the Neighborhood Stabilization Program and a Substantial Amendment to the Annual Action Plan for CDBG-Recovery Program. Additionally, the Growth Mitigation Fee update may be scheduled for June 2nd. Staff would also provide a status report on the McCoy delineators.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Cordero reported on May 6th he attended the Safety Task Force Meeting sponsored by the Highway Patrol regarding Highway 166 and the Elks Citizen and Students of the Year Dinner; on May 7th the National Day of Prayer Knights of Columbus breakfast and lunch at the Fairpark and the Tip-A-COP fundraiser dinner; on May 9th the Economic Forecast at Allan Hancock College; the Art Show at the Santa Maria Inn on Mother's Day; the Chamber Tourism Luncheon and Police Memorial on May 13th; on May 14th the VTC unveiling of their new building; on May 15th he was a

guest at the Santa Barbara Foundation lunch where Councilmember Zacarías was the featured speaker regarding the Foster Parents Organization; and on May 17th Kid's Day at Waller Park.

Councilmember Patino reported she attended the Chamber Annual Dinner on May 6th; on May 7th she participated on the KUHL radio show, the National Day of Prayer activities; the North County Economic Forecast on May 9th and a townhall meeting on Underage Drinking; went to Napa over Mother's Day weekend; attended the VTC unveiling on May 14th; and on May 16th she was a judge at the Beard-O-Reno contest.

Mayor Lavagnino announced he also attended the Elks Citizen and Student of the Year dinner on May 6th; the National Day of Prayer breakfast and luncheon on May 7th; the Economic Forecast on May 8th; the Police Memorial and the Chamber Tourism Lunch on May 13th; the VTC Goundbreaking ceremony on May 14th; KSMA radio show on May 15th; spoke at the Teen Leadership meeting at the Santa Maria Inn on May 16th; and a radio show with Ben Heighes on May 19th.

Councilmember Zacarías reported that she attended the National Day of Prayer luncheon, the Economic Forecast, the Childcare Planning Council meeting, was master of ceremonies at the Head Start Appreciation Dinner, the Teen Leadership meeting at the Red Cross, the Santa Barbara Foundation Foster Parent Luncheon, Kid's Day in the Park, a Future Leaders of America Tobacco Free Celebration, and a KUHL radio show.

Councilmember Orach reported he attended the Rotary Club Luau, two Elks' Queen Contest fundraisers, and on Mother's Day he went to Santa Barbara to see his new Grand-daughter. He also met with Orfalea Foundation representatives and attended the All America City Committee meeting.

CLOSED SESSION
Council will adjourn to a Closed Session at 8:35 p.m. to discuss:

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the Government Code.

Agency Representative: Assistant City Manager

Employee Organizations: Santa Maria Police Officers Association (SMPOA); Service Employees International Union (SEIU), Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - regarding EXISTING LITIGATION pursuant to Subsection (a) of Government Code Section 54956.9 to discuss ORCUTT CITIZENS FOR BETTER ENVIRONMENT v. CITY OF SANTA MARIA, Case No. 1314150.

CONFERENCE WITH LEGAL COUNSEL regarding ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (One potential case).

Following the Closed Session, the following report was given:

Conference with Labor Negotiators – All bargaining groups: Direction to staff was given.

Conference with Legal Counsel – Existing Litigation: Direction to staff was given.

Conference with Legal Counsel – Anticipated Litigation: No reportable action was taken.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 9:57 p.m.

APPROVED

June 2, 2009
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria